



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Yoichi FUJII et al.

Serial No. : Rule 1.53 Divisional
Application of USSN 09/333,521 Prior Group Art Unit: 1648

Filed : Concurrently Herewith

Title : NEF-ATTACHABLE PROTEIN, DNA ENCODING THE
PROTEIN AND A MONOCLONAL ANTIBODY AGAINST
SAID PROTEIN

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

With reference to the above-identified patent application, please amend the application prior to issuance of the first Office Action.

IN THE SPECIFICATION:

Page 1, before "FIELD OF THE INVENTION", please insert the following paragraph:

--This application is a Divisional of U.S. Application Serial No. 09/333,521, filed June 15, 1999.--

IN THE CLAIMS:

Please amend claim 27 as shown in clean form:

27. (Amended) A method to diagnose the development of AIDS comprising using a DNA molecule which encodes a protein represented by SEQ ID NO:1 or which

FUJII et al. - Filed: July 6, 2001
Preliminary Amendment

encodes a protein having an amino acid sequence where one amino acid residue in the amino acid sequence represented by SEQ ID NO:1 is deleted, added or substituted, wherein said protein binds to Nef.

Please cancel claims 4-8, without prejudice or disclaimer to Applicant.

REMARKS

The specification has been amended to incorporate the priority data. Claims 4-8 which were elected for prosecution in the parent application have been cancelled without prejudice or disclaimer.

Claim 27 has been placed in independent form in view of the cancellation of claim 4, and has been amended consistent with the amendment to allowed claim 4 in parent application no. 09/333,521. Support for the amendment to claim 27 is provided, for example, by original claims 4 and 5, and in paragraph No. 20.

No new matter is added by the above amendment. Upon entry of the Preliminary Amendment, claims 1-3 and 9-28 will stand pending in the instant application.

The amendments are shown in the attached Version With Markings To Show Changes made.

Please take this Preliminary Amendment into account before calculating the filing fee.

The text of the divisional application as filed is the same as the text of parent application no. 09/333,521 as originally filed except: 1) paragraph numbers have been added, and 2) amendments made to the specification of the parent application have been incorporated into the present application as filed. Thus, paragraph number 22 in the present application as filed was added by amendment in the parent application

FUJII et al. - Filed: July 6, 2001
Preliminary Amendment



09/333,521. Additionally, the Sequence Listing in the present application is the same as the Substitute Sequence Listing filed via certificate of mailing on December 20, 1999 in parent application no. 09/333,521. The drawing filed in the present application is the same as the corrected formal drawing filed via certificate of mailing on June 28, 2001 in parent application 09/333,521. No new matter has been introduced.

If any additional fees are due, please charge our Deposit Account No. 501032.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barry I. Hollander".

Barry I. Hollander
Registration No. 28,566

Hollander Law Firm, P.L.C.
Suite 305, 10300 Eaton Place
Fairfax, Virginia 22030
(703) 383-4800

Enclosure: Version With Markings To Show Changes Made

July 5, 2001

Version With Markings To Show Changes Made

27. (Amended) A method to diagnose the development of AIDS comprising using [the] a DNA molecule [according to claim 4] which encodes a protein represented by SEQ ID NO:1 or which encodes a protein having an amino acid sequence where one amino acid residue in the amino acid sequence represented by SEQ ID NO:1 is deleted, added or substituted, wherein said protein binds to Nef .